

NOTICE OF ALLOWANCE

1. Claims 3-11, 13-15, 20-21, 25, 54-56 are pending and have been allowed. Claims 1-2, 12, 16-19, 22-24, 26-53 have been canceled.

Allowable Subject Matter

2. Claims 3-11, 13-15, 20-21, 25, 54-56 are allowed.

3. The following is an examiner's statement of reasons for allowance:

4. Process claims 3-11, 13-15, 20-21, 25, 54-56 were analyzed under 35 USC 101. It is recognized that, in order to be statutory, a process claim must be 1) tied to a particular machine or apparatus, or 2) it transforms a particular article into a different state or thing. *In re Bilski*, 88 USPQ2d 1385 (2008). It is also recognized that a general purpose computer may be converted into a particular computer through the operation of software on the computer. *In re Alappat*, 31 USPQ2d 1545 (1994). For the instant invention, it is clear that the process must be carried out via software operating on a computer. Independent claim 25 requires at least a computer processor (limitation 7). As such, the process is tied to a particular machine and meets the *Bilski* test.

5. The claims are novel and non-obvious over the art of record. All elements in claim 25 are known individually (for example, using the second framework along with the sampling constitutes small scale modeling of an intractable problem [characterized by millions of cells]; another example is modeling the effect of 'net to gross' on reservoir properties, and seeking convergence of the solution). However, the particular combination and sequence of steps does not appear to be disclosed in the prior art of record. This includes the particular sequence of steps of building the second framework, and extracting cell samples from the second framework. This

Art Unit: 2128

combination of features, in the context of the claimed invention, in view of the specification, render the claims novel and non-obvious over the prior art of record.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh Jones whose telephone number is (571) 272-3781. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on (571) 272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hugh Jones/

Primary Examiner, Art Unit 2128